IV. REMARKS

1. Claims 1, 14, 15 and 16 are amended. The changes to the claims are merely to clarify the inventive features of the claims and should not require any additional consideration and/or search. Thus, entry of this amendment is respectfully solicited.

2. Claims 1-25 are not unpatentable over Sumizawa in view of Sumner under 35 U.S.C. §103(a). The claims recite that the traffic messages are not only sorted but also stored. (see e.g. page 9, lines 7-10). Also, the outputted traffic messages are sorted according to distances. (see e.g. page 14, lines 14-21).

Also, referring to the second paragraph on page 7 of the Office Action, the cells/areas described by Sumner as just the same as the position of a route section or point. However, the present invention always uses the exact position of both the vehicle and the traffic jam whereas Sumner only uses cells for determining the location of a vehicle and a traffic jam or the like.

This is supported by the claim language. For example, Claim 1 recites that traffic messages are stored together with the respective position of the route section or point to which they relate. Then the positions of the traffic messages are compared with the respective position of the motor vehicle and then sorted and stored as a list in accordance to the determined distances. Thus, Applicant's claims, when read in total, do recite that traffic information is presented according to the distance to the actual car position. As previously argued by Applicants, this is NOT disclosed or suggested by Sumner.

In particular, Sumner only teaches to correlate the vehicle and traffic jam position with cells or areas and defines the distance between the cell the vehicle is located in and the cell where the traffic jam is located. This information is then output to the user.

According to the column 14, lines 23 to 39 Sumner explicitly says that the location of the vehicle is to be determined by the current cell number.

The cell oriented collection of traffic data is clearly explained in connection with Figure 4 and the corresponding text in column 13, lines 19 to 54.

If there are several traffic messages for one cell/area the system outputs the traffic messages of this one cell/area to the user in an unsorted manner. In particular, according to Sumner all traffic messages of one cell are regarded as at the same distance from the vehicle since the system according to Sumner can only determine the distances between cells but no the exact distances between a vehicle and a traffic jam or any other traffic congestion.

Therefore, according to Sumner it is not possible to sort traffic messages in accordance to their distances from the actual vehicle position since they are all regarded as having the same distance as long as they are located in the same cell/area.

In contrast, the present invention always uses the exact position of the vehicle and the traffic congestions for calculating the distance between these points.

The term "area" as used in the present invention is not related to specific cells are areas of a street map as in the teaching of Sumner but to a region around a vehicle where the vehicle actually travels or to a preselected region into which the driver of a vehicle intends to travel shortly. This is explained in the present invention in connection with Figure 2 on page 9, line 18 to page 10, line 22. Accordingly, a traffic message is specified by its exact position and characterized by being within or without an area selected by the driver. Therefore, it is possible to sort all traffic messages of interest, i.e. all traffic messages within the preselected region in accordance with their distances from the actual exact position of the vehicle.

Therefore, according to the present invention it is always possible to use the distance between the exact vehicle position and the exact traffic congestion position within the selected area for sorting and outputting the traffic congestion messages to the driver.

The position of a route section or route point and the actual position of a vehicle seems as claimed by Applicant is quite different from the location of an cell or area since the actual positions of traffic jams and vehicles in such cells cannot be determined precisely. The present invention uses exact positions for both traffic jams and vehicles. This exact position is disclosed at least for vehicles, e.g. in connection with Claim 13 referring to a satellite-supported position-determining system using geocodes for positioning.

3. Claims 1-25 are not unpatentable over Goss et al. ("Goss") in view of Sumner.

Goss in combination with Sumner does not disclose or suggest that traffic messages are sorted and stored as a list or that they are output as a list according to distances. Goss in combination with Sumner also does not disclose or suggest presenting traffic information according to the distance to the respective position of the motor vehicle as claimed by Applicant. The same arguments presented above are equally applicable here.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is authorized to charge the amount of $930.00 for a three-month extension of time as well as payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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